

REMARKS

Applicant appreciates the detailed examination evidenced by the Office Action mailed January 22, 2008 (hereinafter "Office Action"). Applicant has amended several of the claims to address the §112 rejections. Applicant has amended independent Claims 1, 8 and 13 to further clarify the nature of the claimed invention. Several of the dependent claims have also been amended to maintain consistency with the amendments to the independent claims. Reasons supporting patentability of the claims are discussed below.

The objections to the specification

Applicant notes the recognition of trademarked terms in the specification. Applicant submits that all registered trademarks have been properly identified.

The §112 rejections

Claim 3 has been amended to correct the antecedent basis error noted on page 2 of the Office Action.

Applicant has canceled Claims 4 and 10 without prejudice or disclaimer, rendering the rejections of these claims moot.

Regarding Claims 7, 12 and 17, these claims do not recite a Markush group. For example, Claim 7 recites "a local exchange carrier (LEC) end user migration (EUM) process", i.e., an end user migration process of a local exchange carrier, a single entity (the "process") and not a "group." Accordingly, Applicant respectfully submits that the rejections of Claim 7, 12 and 17 are erroneous and should be withdrawn.

The antecedent basis error noted in Claim 15 has been corrected by the amendment to Claim 14.

The §101 rejections

The Office Action rejects Claims 1 and 13 stating "[b]oth claims are directed to computer and computer code," and "[c]omputer programs and codes are not statutory subject matter." Office Action, p. 4.

Regarding Claim 1, the Office Action states "Claim 1 is directed to a method; however, it is performed in a computer and appears to be software per se, which constitutes a

judicial exception in the form of an algorithm, and not an executable program tangibly embodied in a computer-readable medium." Office Action, p. 4. As the Office Action notes on page 4, "processes . . . may be considered statutory subject matter." Claim 1 is directed to a computer-implemented process. There is no requirement under §101 that a claim be "a computer program tangibly embodied in a computer-readable medium." Accordingly, Applicant submits that the §101 rejection of Claim 1 is erroneous and should be withdrawn.

Applicant has amended Claim 13 to further clarify that this claim is directed toward a computer-readable medium, i.e., that this is an article of manufacture claim. Pursuant to the *Examination Guidelines for Computer-Related Inventions*, "functional descriptive material" consists of data structures and computer programs which impart functionality when encoded on a computer-readable medium and, when functional descriptive material is recorded on some computer-readable medium it becomes structurally and functionally interrelated to the medium and will be statutory in most cases. Applicant submits that Claim 13 meets the requirement of functional descriptive material encoded on a computer-readable medium and, that, therefore, Claims 13-17 recite statutory subject matter. Accordingly, Applicant submits that the §101 rejection of Claim 13 should be withdrawn.

Claims 1-3, 5-9 and 11-17 are patentable

Applicant has amended independent Claims 1, 8 and 14 to further clarify the nature of the claimed subject matter. For example, Claim 1 now recites:

A method of monitoring service order processing in a service order process, the method comprising the following acts performed in a computer:

generating respective series of successive time samples of service order information for respective service orders of a population of service orders, the service order information including respective status identifiers that indicate a relationship of respective service orders to a stage of the service order process, wherein generating respective series of successive time samples of service order information for respective service orders of a population of service orders comprises:

extracting service order information for the population of service orders from a first database; and

storing the extracted service order information in a second database, wherein the first and second databases are two different types of relational databases;

identifying transitions in the status identifiers by comparing service order status identifiers in the extracted service order information stored in the second database;

storing records of the identified transitions and corresponding times of the identified transitions in the second database;
analyzing the stored records of the identified transitions to determine completion intervals for the stages; and
computing an aggregate measure of progression of the population of status orders through the service order process from the determined completion intervals.

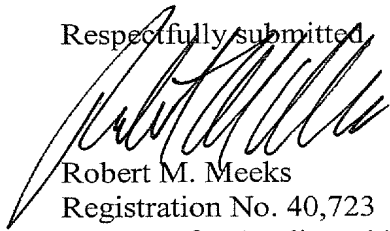
Independent Claims 8 and 14 have been similarly amended. Support for such recitations is provided, for example, in the description of FIG. 3 at paragraph [0022] of the specification, which describes use of Informix® and Access databases, which are two different types of relational databases.

The cited combination of U.S. Patent No. 6,439,238 to Gabbita et al ("Gabbita") and U.S. Patent No. 6,104,798 to Lickiss et al ("Lickiss") does not disclose or suggest such use of first and second relational databases. In particular, the system in Gabbita stores service order data in an Oracle database (see column 16, lines 8 and 9), but does not disclose or suggest "extracting service order information for the population of service orders from a first database; and storing the extracted service order information in a second database, wherein the first and second databases are two different types of relational databases." Lickiss describes an order tracking database (see Fig. 2), but also fails to teach or suggest "extracting service order information for the population of service orders from a first database; and storing the extracted service order information in a second database, wherein the first and second databases are two different types of relational databases." Accordingly, the cited combination of references does not disclose or suggest the recitations of amended independent Claims 1, 8 and 14 and, for at least these reasons, Applicant submits that amended independent Claims 1, 8 and 14 are patentable. Applicant further submits that dependent Claims 2, 3, 5-7, 9, 11, 12 and 15-17 are patentable at least by virtue of the patentability of the respective ones of independent Claims 1, 8 and 14 from which they depend.

Conclusion

As all of the claims are now in condition for allowance for at least the reasons discussed above, Applicant respectfully requests allowance of the claims and passing of the application to issue in due course. Applicant encourages the Examiner to contact Applicant's undersigned representative at (919) 854-1400 to resolve any remaining formal issues.

Respectfully submitted,

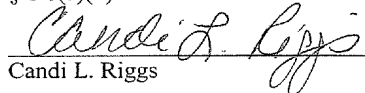


Robert M. Meeks
Registration No. 40,723
Attorney for Applicant(s)

USPTO Customer No. 39072
Myers Bigel Sibley & Sajovec
Post Office Box 37428
Raleigh, North Carolina 27627
Telephone: 919/854-1400
Facsimile: 919/854-1401

CERTIFICATION OF TRANSMISSION

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Candi L. Riggs